

SENATE BILL 226 (LRB -1179)

An Act to repeal 51.13 (1) (f) and 51.13 (2); to renumber and amend 51.13 (4) (g) 1., 51.13 (6) (a), 51.13 (7) (b) and 51.61 (6); to consolidate, renumber and amend 51.13 (3) (a) and (c); to amend 51.13 (1) (title), 51.13 (1) (a), 51.13 (1) (b), 51.13 (1) (c) 3., 51.13 (1) (d), 51.13 (1) (e), 51.13 (3) (b), 51.13 (4) (a) (intro.), 51.13 (4) (c), 51.13 (4) (d), 51.13 (4) (g) (intro.), 51.13 (4) (h) (intro.), 51.13 (6) (c), 51.13 (7) (title), 51.13 (7) (a), 51.13 (7) (c), 51.14 (title), 51.14 (1), 51.14 (3) (a), 51.14 (3) (b) 3., 51.14 (3) (f), 51.14 (3) (g), 51.14 (3) (h) (intro.), 51.14 (3) (h) 1., 51.14 (3) (j), 51.14 (4) (a), 51.14 (4) (g) (intro.), 51.22 (2), 51.30 (5) (b) 1., 51.30 (5) (b) 2., 51.35 (3) (a), 51.35 (3) (b), 51.35 (3) (g), 51.35 (4) (d), 51.45 (10) (am) and 51.45 (11) (a); and to create 51.01 (13r), 51.13 (4) (g) 1. a., 51.13 (4) (g) 1. b., 51.13 (4) (g) 1. c., 51.13 (4) (g) 4., 51.13 (7) (b) 3., 51.135, 51.14 (1m), 51.61 (6) (a) and 51.61 (6) (b) of the statutes; relating to: informed consent for minors for inpatient and outpatient treatment for mental illness and developmental disability, informed consent for the administration to minors of psychotropic medication, and access to records. (FE)

2005

10-27.	S.	Introduced by Senators Roessler, Leibham, Olsen, Stepp and Grothman ; cosponsored by Representatives Gundrum, Strachota, Ainsworth, Hahn, Hines, Hundertmark, Kestell, Krawczyk, Musser, Ott, Owens, M. Williams and Lothian .	
06-02.	S.	Read first time and referred to committee on Health, Children, Families, Aging and Long Term Care	237
06-13.	S.	Fiscal estimate received.	
06-14.	S.	Public hearing held.	
09-19.	S.	LRB correction	358
09-30.	S.	Senate amendment 1 offered by Senator Roessler (LRB a0986)	385
10-18.	S.	Senate amendment 1 to Senate amendment 1 offered by Senator Roessler (LRB a1175)	395
10-20.	S.	Executive action taken.	
10-24.	S.	Report adoption of Senate Amendment 1 to Senate Amendment 1 recommended by committee on Health, Children, Families, Aging and Long Term Care, Ayes 5, Noes 0	402
10-24.	S.	Report adoption of Senate Amendment 1 recommended by committee on Health, Children, Families, Aging and Long Term Care, Ayes 5, Noes 0	402
10-24.	S.	Report passage as amended recommended by committee on Health, Children, Families, Aging and Long Term Care, Ayes 3, Noes 2	402
10-24.	S.	Available for scheduling.	
10-27.	S.	Placed on calendar 11-1-2005 by committee on Senate Organization.	
10-31.	S.	Senator Grothman withdrawn as a coauthor	417
11-01.	S.	Read a second time	423
11-01.	S.	Senate amendment 1 to Senate amendment 1 adopted	423
11-01.	S.	Senate amendment 1 adopted	423
11-01.	S.	Ordered to a third reading	424
11-01.	S.	Rules suspended	424
11-01.	S.	Read a third time and passed , Ayes 19, Noes 14	424
11-01.	S.	Ordered immediately messaged	427

2006

01-05.	A.	Received from Senate	710
01-05.	A.	Read first time and referred to committee on Health	710
02-08.	A.	Public hearing held.	
02-27.	A.	Assembly amendment 1 offered by Representative Underheim (LRB a2488)	847
02-28.	A.	Executive action taken.	
03-07.	A.	Report Assembly Amendment 1 adoption recommended by committee on Health, Ayes 12, Noes 0	909
03-07.	A.	Report concurrence as amended recommended by committee on Health, Ayes 12, Noes 0	909
03-07.	A.	Referred to committee on Rules	909
03-07.	A.	Placed on calendar 3-9-2006 by committee on Rules.	
03-07.	A.	Made a special order of business at 10:28 A.M. on 3-9-2006 pursuant to Assembly Resolution 51	933
03-09.	A.	Read a second time	945
03-09.	A.	Assembly amendment 1 adopted	945
03-09.	A.	Ordered to a third reading	945
03-09.	A.	Rules suspended	945
03-09.	A.	Read a third time and concurred in as amended	945
03-09.	A.	Ordered immediately messaged	945
03-09.	S.	Received from Assembly amended and concurred in as amended, Assembly amendment 1 adopted	721
03-09.	S.	Available for scheduling.	
04-24.	S.	Placed on calendar 4-25-2006 by committee on Senate Organization.	
04-25.	S.	Assembly amendment 1 concurred in .	
04-25.	S.	Action ordered immediately messaged.	

2005 ENROLLED BILL

05en^S B-226

ADOPTED DOCUMENTS:

☒ Orig

☐ Engr

___ SubAmdt ___

05 - 1179/1

Amendments to above (if none, write "NONE"): SA to SA1 = a1175/1

SA1

a 0986/2

AA1

a 2488/1

Corrections - show date (if none, write "NONE"): Sept 16, 2005

Topic

Rel

4-26-06

Date

J. R. Nail

Enrolling Drafter

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2005-2006 LEGISLATURE

CORRECTIONS IN:

2005 SENATE BILL 226

Prepared by the Legislative Reference Bureau
(September 16, 2005)

1. Page 18, line 9: delete the material beginning with "under" and ending with "years" on line 10 and substitute "under 14 years".

(END)

C



State of Wisconsin
2005-2006 LEGISLATURE

File

CORRECTIONS IN:

2005 SENATE BILL 226

Prepared by the Legislative Reference Bureau
(May 9, 2006)

In enrolling, the following correction was made:

Item 9 of senate amendment 1 and item 2 of senate amendment 1 to senate amendment 1 were not given effect because item 5 of assembly amendment 1 deleted that material.

(END)

2005 SENATE BILL 226

June 2, 2005 – Introduced by Senators ROESSLER, LEIBHAM, OLSEN, STEPP and GROTHMAN, cosponsored by Representatives GUNDRUM, STRACHOTA, AINSWORTH, HAHN, HINES, HUNDERTMARK, KESTELL, KRAWCZYK, MUSSER, OTT, OWENS, M. WILLIAMS and LOTHIAN. Referred to Committee on Health, Children, Families, Aging and Long Term Care.

1 **AN ACT** *to repeal* 51.13 (1) (f) and 51.13 (2); *to renumber and amend* 51.13 (4)
2 (g) 1., 51.13 (6) (a), 51.13 (7) (b) and 51.61 (6); *to consolidate, renumber and*
3 ***amend*** 51.13 (3) (a) and (c); *to amend* 51.13 (1) (title), 51.13 (1) (a), 51.13 (1)
4 (b), 51.13 (1) (c) 3., 51.13 (1) (d), 51.13 (1) (e), 51.13 (3) (b), 51.13 (4) (a) (intro.),
5 51.13 (4) (c), 51.13 (4) (d), 51.13 (4) (g) (intro.), 51.13 (4) (h) (intro.), 51.13 (6) (c),
6 51.13 (7) (title), 51.13 (7) (a), 51.13 (7) (c), 51.14 (title), 51.14 (1), 51.14 (3) (a),
7 51.14 (3) (b) 3., 51.14 (3) (f), 51.14 (3) (g), 51.14 (3) (h) (intro.), 51.14 (3) (h) 1.,
8 51.14 (3) (j), 51.14 (4) (a), 51.14 (4) (g) (intro.), 51.22 (2), 51.30 (5) (b) 1., 51.30
9 (5) (b) 2., 51.35 (3) (a), 51.35 (3) (b), 51.35 (3) (g), 51.35 (4) (d), 51.45 (10) (am)
10 and 51.45 (11) (a); and *to create* 51.01 (13r), 51.13 (4) (g) 1. a., 51.13 (4) (g) 1.
11 b., 51.13 (4) (g) 1. c., 51.13 (4) (g) 4., 51.13 (7) (b) 3., 51.135, 51.14 (1m), 51.61
12 (6) (a) and 51.61 (6) (b) of the statutes; **relating to:** informed consent for minors
13 for inpatient and outpatient treatment for mental illness and developmental

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1 ~~disability, informed consent for the administration to minors of psychotropic~~
2 ~~medication, and access to records.~~ INSERT AA1-1

Analysis by the Legislative Reference Bureau

Currently, the mental health laws distinguish between minors under 14 years of age and minors 14 years of age or older with regard to giving informed consent for outpatient treatment for mental illness or developmental disability; voluntary admission to and discharge from an inpatient facility for treatment and rehabilitation of mental illness or developmental disability; reexamination under, or modification or cancellation of, an involuntary commitment order for treatment for mental illness or developmental disability; transfer from a juvenile secured correctional facility to an inpatient facility for treatment for mental illness or developmental disability; access and consent to the release of court records and treatment records; and informed consent for medication and treatment.

Execution of an application for inpatient treatment for mental illness and developmental disability

Currently, a minor 14 years of age or older may, together with his or her parent with legal custody or guardian, execute an application for inpatient treatment in a publicly funded treatment facility. For minors under 14 years of age, the parent or guardian may execute the application. The refusal of a minor 14 years of age or older to execute an application is reviewable by the court assigned to exercise jurisdiction under the Children's Code (juvenile court). If a minor wishes to be admitted to a publicly funded inpatient facility and his or her parent or guardian refuses to execute an application or is unable to be found, the minor may petition juvenile court for approval of the admission. A minor 14 years of age or older may apply and be admitted to an inpatient treatment facility for diagnosis and evaluation for dental, medical, or psychiatric services for a period not to exceed 12 days; for a minor under 14 years of age, the application must be executed by the minor's parent or guardian. If a minor attains 14 years of age while admitted to an inpatient treatment facility, the facility director must request the minor and his or her parent or guardian to execute an application for admission if the minor is in need of further inpatient care; if the application is not executed by the minor's 14th birthday, he or she must be discharged unless, under certain time limits, a statement is filed for emergency detention or a petition is filed for emergency commitment, involuntary commitment, or protective placement.

This bill continues to permit a minor aged 14 years or older, together with his or her parent or guardian, to execute an application for admission to an inpatient facility. However, if the minor refuses to execute the application, the parent or guardian may do so on the minor's behalf. An inpatient admission made despite refusal by the minor must be reviewed by juvenile court, and the minor is entitled to receive, among other things, an independent evaluation and assistance from the state protection and advocacy agency. For short-term admissions, a minor whose parent or guardian refuses to execute an admission application or cannot be found

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or for whom there is no parent with legal custody may apply and be admitted. The bill requires that the application for a minor 14 years of age or older be executed by the minor and his or her parent or guardian, except that the parent or guardian may execute the application if the minor refuses, and such an admission is reviewable by juvenile court. For a minor who attains age 14 while admitted to an inpatient treatment facility and who refuses to execute an application for admission, the bill permits the minor's parent or guardian to execute the application on the minor's behalf.

Admissions for privately funded inpatient treatment for mental illness and developmental disability

Under current law, a minor may be admitted to a private inpatient treatment facility without complying with certain of the requirements that apply to admissions to publicly funded treatment facilities.

This bill eliminates the distinctions in requirements between admissions for minors to publicly funded and privately funded inpatient treatment facilities for mental illness and developmental disability, except that publicly funded admissions continue to be through county departments of community programs or developmental disabilities services or through the Department of Health and Family Services (DHFS).

Discharge upon request

Under current law, a minor 14 years of age or older who is voluntarily admitted to an inpatient facility for treatment for mental illness or developmental disability or any minor whose parent or guardian refuses to execute an admission application or cannot be found or for whom there is no parent with legal custody who has petitioned successfully for admission may request that he or she be discharged from the facility and, subject to certain exceptions, must be discharged within 48 hours after submission of the request. A minor under 14 years of age, however, may be discharged on his or her request only if his or her parent or guardian also requests discharge or after a hearing before the juvenile court to determine the continued appropriateness of the admission.

This bill eliminates the right of a minor aged 14 years or older to be discharged from inpatient treatment for mental illness or developmental disability within 48 hours after solely requesting the discharge, except for a minor whose parent or guardian refused to consent to admission or was unable to be found or for whom there is no parent with legal custody and who was admitted to an inpatient facility after a hearing. Under the bill, a minor 14 years of age or older may request discharge together with a parent or guardian. If a minor 14 years of age or older wishes to be discharged and the parent or guardian refuses to request discharge and if the director of the treatment facility avers in writing that the minor is in need of psychiatric services or services for developmental disability, that the facility's therapy or treatment is appropriate to the minor's needs, and that inpatient care in the treatment facility is the least restrictive therapy or treatment consistent with the minor's needs, the minor may not be discharged. A minor who wishes to be discharged but whose parent or guardian refuses may request a hearing before

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juvenile court, if no hearing concerning the admission has been held within the immediately preceding 120 days.

Transfer for treatment and returns from treatment

Under current law, a minor aged 14 years or older who is in need of services for developmental disability or psychiatric services and the minor's parent or guardian must consent for transfer of the minor from a secured juvenile facility to an inpatient treatment facility. Only the minor need consent if the minor has successfully petitioned for admission and has a parent or guardian who refuses to consent or cannot be found or has no parent with legal custody. The minor and his or her parent or guardian have the same rights as are accorded for other admissions to inpatient treatment facilities. DHFS must file a petition for review of the transfer with the juvenile court. If the court is unable to determine that the consent was voluntary on the part of the minor, the court may order additional information or a hearing. If a notation of the minor's unwillingness appears on the face of the petition, or if a hearing has been requested by the minor or the minor's counsel, guardian ad litem, parent, or guardian, the court must hold a hearing to review the transfer. The parent or guardian of a minor under 14 years of age who is transferred to a treatment facility to receive services for developmental disability or psychiatric services may request transfer back to the secured correctional facility, secured child caring institution, or secured group home for the minor. For a minor 14 years of age or older, however, the minor may request return and be returned within 48 hours after submission of the request unless a statement is filed for emergency detention or a petition is filed for emergency commitment, involuntary commitment, or protective placement.

This bill continues to permit a minor aged 14 years or older, and the minor's parent or guardian, to consent for transfer of the minor from a secured juvenile facility to an inpatient treatment facility. However, if the minor refuses to consent, the parent or guardian may do so on the minor's behalf. A juvenile court must review a transfer made under the consent of the minor's parent or guardian despite the minor's refusal, and the minor is granted the rights to an independent evaluation and to assistance from the state protection and advocacy agency as under other discharges from an inpatient treatment facility. The bill eliminates the right of a minor 14 years of age or older to request return to a secured juvenile facility from an inpatient treatment facility and to be returned within 48 hours. Instead, the bill requires that the minor and his or her parent or guardian request the return and provides that the return be made within 48 hours unless a statement is filed for emergency detention or a petition is filed for emergency commitment, involuntary commitment, or protective placement.

Consent for outpatient treatment for mental illness

Currently, a minor aged 14 years or older may, together with his or her parent or guardian, consent to outpatient treatment for mental illness. "Outpatient mental health treatment" is defined as treatment and social services for mental illness, except psychotropic medications and 24-hour care and custody provided by a treatment facility. For minors under 14 years of age, the parent or guardian may consent. Either a minor 14 years of age or older or his or her parent or guardian may petition the mental health review officer in the county in which the parent or

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guardian has residence for a review of a refusal of either the minor or the parent or guardian to provide the consent. In addition, review by juvenile court may be made directly or the juvenile court may review a decision by the mental health review officer.

This bill continues to permit a minor aged 14 years or older, together with his or her parent or guardian, to consent to outpatient treatment. However, if the minor refuses to execute the application, the parent or guardian may do so on the minor's behalf. A petition for review by the mental health officer must be filed by or on behalf of a minor whose parent or guardian has provided consent to outpatient treatment for the minor, despite the minor's refusal, and the minor has a right to review by juvenile court. The definition of "outpatient mental health treatment" is changed to eliminate the exclusion for the administration of psychotropic medications.

Psychotropic medication as treatment for mental illness

This bill requires a parent or guardian of a minor under 14 years of age to provide written, informed consent for the administration of psychotropic medication, as defined in the bill, to the minor as inpatient or outpatient treatment. For a minor 14 years of age or older, the minor and his or her parent or guardian must consent for the administration of psychotropic medication as inpatient or outpatient treatment, but if the minor refuses to consent, the parent or guardian may consent on the minor's behalf; administration of psychotropic medication to the minor despite his or her refusal is reviewable by juvenile court. A minor whose parent or guardian refuses to consent or cannot be found or who has no parent with legal custody may petition the juvenile court for approval of the administration of the psychotropic medication.

Records

Currently, the parent, guardian, or person in the place of a parent of a minor with developmental disability has access to the minor's court and treatment records at all times unless the minor, if aged 14 or older, files a written objection with the record custodian. Parents, guardians, and persons in the place of parents of other minors have full rights of access. Minors aged 14 or older have access to their own records; minors under age 14 have access to court and treatment records only in the presence of certain other persons.

The bill eliminates the right of a minor with developmental disability aged 14 or older to object to access to his or her court or treatment records by his or her parent, guardian, or person in the place of a parent.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1

SECTION 1. 51.01 (13r) of the statutes is created to read:

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51.01 (13r) "Psychotropic medication" has the meaning given in s. 50.035 (5)

(a) 2

SECTION 2. 51.13 (1) (title) of the statutes is amended to read:

51.13 (1) (title) ~~ADMISSION THROUGH BOARD OR DEPARTMENT.~~

SECTION 3. 51.13 (1) (a) of the statutes is amended to read:

51.13 (1) (a) Except as provided in par. (c) and ~~s. ss.~~ 51.45 (2m) and 51.47, the application for ~~voluntary~~ admission of a minor who is 14 years of age or older to an approved inpatient treatment facility for the primary purpose of treatment for alcoholism or drug abuse and the application for ~~voluntary~~ admission of a minor who is under 14 years of age to an approved inpatient treatment facility for the primary purpose of treatment for mental illness, developmental disability, alcoholism, or drug abuse shall be executed by a parent who has legal custody of the minor or the minor's guardian. Any statement or conduct by a minor who is the subject of an application for ~~voluntary~~ admission under this paragraph indicating that the minor does not agree to admission to the facility shall be noted on the face of the application and shall be noted in the petition required by sub. (4).

SECTION 4. 51.13 (1) (b) of the statutes is amended to read:

51.13 (1) (b) The application for ~~voluntary~~ admission of a minor who is 14 years of age or older to an approved inpatient treatment facility for the primary purpose of treatment for mental illness or developmental disability shall be executed by the minor and a parent who has legal custody of the minor or the minor's guardian, except as provided in par. (c) 1., except that, if the minor refuses to execute the application, a parent who has legal custody of the minor or the minor's guardian may execute the application on the minor's behalf.

SECTION 5. 51.13 (1) (c) 3. of the statutes is amended to read:

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1 51.13 (1) (c) 3. The court may, at the minor's request, temporarily approve the
2 admission under subd. 1. or 2. pending hearing on the petition. If a hearing is held
3 under subd. 1. or 2., no review or hearing under sub. (4) is required.

4 **SECTION 6.** 51.13 (1) (d) of the statutes is amended to read:

5 51.13 (1) (d) A minor against whom a petition or statement has been filed under
6 s. 51.15, 51.20, or 51.45 (12) or (13) may be admitted under this section. The court
7 may permit the minor to become a ~~voluntary~~ patient under this section upon
8 approval by the court of an application executed under par. (a), (b), or (c). The court
9 shall then dismiss the proceedings under s. 51.15, 51.20, or 51.45 (12) or (13). If a
10 hearing is held under this subsection, no hearing under sub. (4) is required.

11 **SECTION 7.** 51.13 (1) (e) of the statutes is amended to read:

12 51.13 (1) (e) A minor may be admitted immediately upon the approval of the
13 application executed under par. (a) or (b) by the treatment director of the facility or
14 his or her designee or, in the case of a center for the developmentally disabled, the
15 director of the center or his or her designee, and, if the county department is to be
16 responsible for the cost of the minor's therapy and treatment, the director of the
17 appropriate county department under s. 51.42 or 51.437 ~~if the county department is~~
18 ~~to be responsible for the cost of the minor's therapy and treatment.~~ Admission under
19 par. (c) or (d) shall also be approved, within 14 days of the minor's admission, by the
20 treatment director of the facility or his or her designee, or in the case of a center for
21 the developmentally disabled, the director of the center or his or her designee and,
22 if the county department is to be responsible for the cost of the minor's therapy and
23 treatment, the director of the appropriate county department under s. 51.42 or
24 51.437.

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SECTION 7

1 (em) Approval under par. (e) shall be based upon an informed professional
2 opinion that the minor is in need of psychiatric services or services for developmental
3 disability, alcoholism, or drug abuse, that the treatment facility offers inpatient
4 therapy or treatment that is appropriate for the minor's needs, and that inpatient
5 care in the facility is the least restrictive therapy or treatment consistent with the
6 minor's needs. In the case of a minor who is being admitted for the primary purpose
7 of treatment for alcoholism or drug abuse, approval shall also be based on the results
8 of an alcohol or other drug abuse assessment that conforms to the criteria specified
9 in s. 938.547 (4).

10 **SECTION 8.** 51.13 (1) (f) of the statutes is repealed.

11 **SECTION 9.** 51.13 (2) of the statutes is repealed.

12 **SECTION 10.** 51.13 (3) (a) and (c) of the statutes are consolidated, renumbered
13 51.13 (3) (am) and amended to read:

14 51.13 (3) (am) Prior to admission if possible, or as soon thereafter as possible,
15 the minor who is admitted under sub. (1) (a) or (b) and the minor's parent or guardian
16 shall be informed by the director of the facility or his or her designee, both orally and
17 in writing, in easily understandable language, of the review procedure in sub. (4),
18 including the standards to be applied by the court and the possible dispositions; the
19 minor's right to an independent evaluation, if ordered by the court; the minor's right

20 to assistance from the state protection and advocacy agency designated under s.
21 51.62 (2) (a); the right under sub. (4) (d) to a hearing upon request under sub. (4), and;
22 the minor's right to appointed counsel as provided in sub. (4) (d) if a hearing is held.
23 ~~(e) A minor 14 years of age or older who has been admitted to an inpatient facility~~
24 ~~for the primary purpose of treatment for alcoholism or drug abuse, a minor under 14~~
25 ~~years of age who has been admitted to an inpatient treatment facility for the primary~~

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1 ~~purpose of treatment for mental illness, developmental disability, alcoholism, or~~
2 ~~drug abuse, and the minor's parent or guardian shall also be informed by the director~~
3 ~~or his or her designee, both orally and in writing, in easily understandable language,~~
4 ~~of; for a minor other than a minor specified under par. (b), the right of the minor or~~
5 parent or guardian to request the minor's discharge as provided in or limited by sub.
6 (7) (b); and ~~of the minor's right to a hearing to determine continued appropriateness~~
7 of the admission as provided in sub. (7) (c).

8 **SECTION 11.** 51.13 (3) (b) of the statutes is amended to read:

9 51.13 (3) (b) ~~A minor 14 years of age or older who has been admitted to an~~
10 ~~inpatient treatment facility for the primary purpose of treatment for mental illness~~
11 ~~or developmental disability~~ Prior to or at admission, a minor who is voluntarily
12 admitted under sub. (1) (c) 1. or 2., and the minor's parent or guardian, if available,
13 shall also be informed by the director or his or her designee, both orally and in
14 writing, in easily understandable language, of the minor's right to request discharge
15 and to be discharged within 48 hours of the request, as provided under sub. (7) (b),
16 if no petition or statement is filed for emergency detention, or if no petition is filed
17 for emergency commitment, involuntary commitment, or protective placement, and
18 the minor's right to consent to or refuse treatment as provided in s. 51.61 (6).

19 **SECTION 12.** 51.13 (4) (a) (intro.) of the statutes is amended to read:

20 51.13 (4) (a) (intro.) Within 3 days after the admission of a minor under sub.
21 (1), or within 3 days after an application is executed for admission of the minor,
22 whichever occurs first, the treatment director of the facility to which the minor is
23 admitted, or, in the case of a center for the developmentally disabled, the director of
24 the center, shall file a verified petition for review of the admission in the court
25 assigned to exercise jurisdiction under chs. 48 and 938 in the county in which the

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SECTION 12

1 facility is located. A copy of the application for admission and of any relevant
2 professional evaluations shall be attached to the petition. The petition shall contain
3 all of the following:

4 **SECTION 13.** 51.13 (4) (c) of the statutes is amended to read:

5 51.13 (4) (c) A copy of the petition shall be provided by the petitioner to the
6 minor and, if available, his or her parents or guardian within 5 days after admission.

7 **SECTION 14.** 51.13 (4) (d) of the statutes is amended to read:

8 51.13 (4) (d) Within 5 days after the filing of the petition, the court assigned
9 to exercise jurisdiction under chs. 48 and 938 shall determine, based on the
10 allegations of the petition and accompanying documents, whether there is a prima
11 facie showing that the minor is in need of psychiatric services, or services for
12 developmental disability, alcoholism, or drug abuse, that whether the treatment
13 facility offers inpatient therapy or treatment that is appropriate to the minor's
14 needs; and that whether inpatient care in the treatment facility is the least
15 restrictive therapy or treatment consistent with the needs of the minor; and, if the
16 minor is 14 years of age or older and has been admitted to the treatment facility for
17 the primary purpose of treatment for mental illness or developmental disability,
18 whether the admission is voluntary on the part of the minor was made under an
19 application executed by the minor and the minor's parent or guardian. If such a
20 showing is made, the court shall permit ~~voluntary~~ admission. If the court is unable
21 to make those determinations based on the petition and accompanying documents,
22 the court may dismiss the petition as provided in par. (h); order additional
23 information, including an independent evaluation, to be produced as necessary for
24 the court to make those determinations within ~~14 days~~ after admission or application
25 for admission, whichever is sooner; or hold a hearing within ~~14 days~~ after admission

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1 or application for admission, whichever is sooner. If a notation of the minor's
2 unwillingness appears on the face of the petition, if the admission was made under
3 an application executed by the minor's parent or guardian despite the minor's
4 refusal, if the minor's parent or guardian has consented to the administration of
5 psychotropic medication to the minor despite the minor's refusal, or if a hearing has
6 been requested by the minor or by the minor's counsel, parent, or guardian, the court
7 shall order an independent evaluation of the minor and hold a hearing to review the
8 admission, within 14 days after admission or application for admission, whichever
9 is sooner, or to review the administration of psychotropic medication, and shall
10 appoint counsel to represent the minor if the minor is unrepresented. If the court
11 considers it necessary, the court shall also appoint a guardian ad litem to represent
12 the minor. The minor may receive assistance from the state protection and advocacy
13 agency designated under s. 51.62 (2) (a).

14 **SECTION 15.** 51.13 (4) (g) (intro.) of the statutes is amended to read:

15 51.13 (4) (g) (intro.) If the court finds, under a hearing under par. (d), that the
16 minor is in need of psychiatric services or services for developmental disability,
17 alcoholism, or drug abuse in an inpatient facility, that the inpatient facility to which
18 the minor is admitted offers therapy or treatment that is appropriate for the minor's
19 needs and that is the least restrictive therapy or treatment consistent with the
20 minor's needs, and, in the case of a minor 14 years of age or older who is being
21 admitted for the primary purpose of treatment for mental illness or developmental
22 disability, that the application is voluntary on the part of the minor, the court shall
23 permit voluntary admission. If the court finds that the therapy or treatment in the
24 inpatient facility to which the minor is admitted is not appropriate or is not the least
25 restrictive therapy or treatment consistent with the minor's needs, the court may

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1 order placement in or transfer to another more appropriate or less restrictive
2 inpatient facility, except that the court ~~may not permit or order~~ placement in or
3 transfer to the northern or southern centers for the developmentally disabled of a
4 minor ~~unless the department gives approval for the placement or transfer, and if the~~
5 ~~order of the court is~~ shall first be approved by all of the following if applicable:

6 **SECTION 16.** 51.13 (4) (g) 1. of the statutes is renumbered 51.13 (4) (g) 1. (intro.)
7 and amended to read:

8 51.13 (4) (g) 1. ~~The minor if he or she is 14 years of age or older and is being~~
9 ~~admitted for~~ For the primary purpose of treatment for mental illness or
10 developmental disability, any of the following, as applicable:

11 **SECTION 17.** 51.13 (4) (g) 1. a. of the statutes is created to read:

12 51.13 (4) (g) 1. a. For a minor who is under 14 years of age, a parent who has
13 legal custody of the minor or the minor's guardian.

14 **SECTION 18.** 51.13 (4) (g) 1. b. of the statutes is created to read:

15 51.13 (4) (g) 1. b. For a minor who is 14 years of age or older, the minor and a
16 parent who has legal custody of the minor or the minor's guardian, except that, if the
17 minor refuses approval, a parent who has legal custody of the minor or the minor's
18 guardian may provide approval on the minor's behalf.

19 **SECTION 19.** 51.13 (4) (g) 1. c. of the statutes is created to read:

20 51.13 (4) (g) 1. c. For a minor admitted under sub. (1) (c) 1. or 2., the minor.

21 **SECTION 20.** 51.13 (4) (g) 4. of the statutes is created to read:

22 51.13 (4) (g) 4. The department.

23 **SECTION 21.** 51.13 (4) (h) (intro.) of the statutes is amended to read:

24 51.13 (4) (h) (intro.) If the court does not permit ~~voluntary~~ admission under par.
25 (g), it shall do one of the following:

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1 **SECTION 22.** 51.13 (6) (a) of the statutes is renumbered 51.13 (6) (a) 1. and
2 amended to read:

3 51.13 (6) (a) 1. ~~A- Subject to subd. 2. or 3., as applicable, a~~ minor may be
4 admitted to an inpatient treatment facility without review under sub. (4) of the
5 application ~~under sub. (4)~~, for diagnosis and evaluation or for dental, medical, or
6 psychiatric services, for a period not to exceed 12 days. The application for
7 short-term admission of a minor shall be executed by the minor's parent with legal
8 custody of the minor or the minor's guardian, and if unless sub. (1) (c) applies.

9 2. If the minor is 14 years of age or older and is being admitted for the primary
10 purpose of diagnosis, evaluation, or services for mental illness or developmental
11 disability, the application shall be executed by the minor's parent or guardian and
12 the minor., except that, if the minor refuses to execute the application, the parent or
13 the guardian may execute the application. Admission under this subdivision of a
14 minor who refuses to execute the application is reviewable under sub. (4) (d).

15 3. A minor may not be readmitted to an inpatient treatment facility for
16 psychiatric services under this paragraph within 120 days of a previous admission
17 under this paragraph.

18 **SECTION 23.** 51.13 (6) (c) of the statutes is amended to read:

19 51.13 (6) (c) At the end of the 12-day period, the minor shall be released unless
20 an application has been filed for ~~voluntary~~ admission under sub. (1) ~~or a petition or;~~
21 a statement has been filed for emergency detention,; or a petition has been filed for
22 emergency commitment, involuntary commitment, or protective placement.

23 **SECTION 24.** 51.13 (7) (title) of the statutes is amended to read:

24 51.13 (7) (title) DISCHARGE OR CONTINUED APPROPRIATENESS OF ADMISSION.

25 **SECTION 25.** 51.13 (7) (a) of the statutes is amended to read:

as amended
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1 51.13 (7) (a) If a minor is admitted to an inpatient treatment facility while
2 under 14 years of age, and if upon reaching age 14 is in need of further inpatient care
3 and treatment primarily for mental illness or developmental disability, the director
4 of the facility shall request the minor and the minor's parent or guardian to execute
5 an application for voluntary admission. If the minor refuses, the minor's parent or
6 guardian may execute the application on the minor's behalf. Such an application
7 may be executed within 30 days prior to a minor's 14th birthday. If the application
8 is executed, a petition for review shall be filed in the manner prescribed in sub. (4),
9 unless such a review has been held within the last 120 days. If the application is not
10 executed by the time of the minor's 14th birthday, the minor shall be discharged
11 unless a petition or statement is filed for emergency detention, emergency
12 commitment, involuntary commitment, or protective placement by the end of the
13 next day in which the court transacts business.

14 **SECTION 26.** 51.13 (7) (b) of the statutes is renumbered 51.13 (7) (b) 1. and
15 amended to read:

16 51.13 (7) (b) 1. ~~Any minor 14 years of age or older who is voluntarily admitted~~
17 ~~under this section for the primary purpose of treatment for mental illness or~~
18 ~~developmental disability, and any minor who is voluntarily admitted under sub. (1)~~
19 (c) 1. or 2., may request discharge in writing. ~~In the case of~~

20 2. For a minor 14 years of age or older who is voluntarily admitted under this
21 section sub. (1) (a) or (b) for the primary purpose of treatment for alcoholism or drug
22 abuse or a minor under 14 years of age who is voluntarily admitted under this section
23 sub. (1) (a) or (b) for the primary purpose of treatment for mental illness,
24 developmental disability, alcoholism, or drug abuse, the parent or guardian of the
25 minor may make the request. discharge in writing.

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1 4. Upon receipt of any form of written request for discharge from a minor
2 specified under subd. 1. or 3., the director of the facility in which the minor is
3 admitted shall immediately notify the minor's parent or guardian. ~~The, if available,~~

4 5. A minor specified in subd. 1., a minor specified in subd. 2. whose parent or
5 guardian requests discharge in writing, and a minor specified in subd. 3. who
6 requests and whose parent or guardian requests discharge in writing shall be
7 discharged within 48 hours after submission of the request, exclusive of Saturdays,
8 Sundays, and legal holidays, unless a petition or statement is filed for emergency
9 detention, emergency commitment, involuntary commitment, or protective
10 placement.

11 **SECTION 27.** 51.13 (7) (b) 3. of the statutes is created to read:

12 51.13 (7) (b) 3. For a minor 14 years of age or older who is admitted under sub.
13 (1) (a) or (b) for the primary purpose of treatment for mental illness or developmental
14 disability, the minor and the minor's parent or guardian may request discharge in
15 writing. If the parent or guardian of the minor refuses to request discharge and if
16 the director of the facility to which the minor is admitted or his or her designee avers,
17 in writing, that the minor is in need of psychiatric services or services for
18 developmental disability, that the facility's therapy or treatment is appropriate to
19 the minor's needs, and that inpatient care in the treatment facility is the least
20 restrictive therapy or treatment consistent with the needs of the minor, the minor
21 may not be discharged under this paragraph.

22 **SECTION 28.** 51.13 (7) (c) of the statutes is amended to read:

23 ~~51.13 (7) (c) Any minor 14 years of age or older who is voluntarily admitted~~
24 ~~under this section for the primary purpose of treatment for alcoholism or drug abuse,~~
25 ~~and who is not discharged under par. (b), and any minor under 14 years of age who~~

SENATE BILL 226

SECTION 28

1 ~~is voluntarily admitted under this section for the primary purpose of treatment for~~
2 ~~mental illness, developmental disability, alcoholism, or drug abuse, and, other than~~
3 ~~a minor to which par. (b) 1. applies,~~ who is not discharged under par. (b), may submit
4 a written request to the court for a hearing to determine the continued
5 appropriateness of the admission. If the director or staff of the inpatient treatment
6 facility to which a minor described in this paragraph is admitted observes conduct
7 by the minor that demonstrates an unwillingness to remain at the facility, including
8 ~~but not limited to~~ a written expression of opinion or unauthorized absence, the
9 director shall file a written request with the court to determine the continued
10 appropriateness of the admission. A request that is made personally by a minor
11 under this paragraph shall be signed by the minor but need not be written or
12 composed by the minor. A request for a hearing under this paragraph that is received
13 by staff or the director of the facility in which the ~~child~~ minor is admitted shall be filed
14 with the court by the director. The court shall order a hearing as provided in sub. (4)
15 (d) upon request if no hearing concerning the minor's admission has been held within
16 120 days after before court receipt of the request. ~~The court shall appoint counsel~~
17 ~~and, if the court considers it necessary, a guardian ad litem to represent the minor~~
18 ~~and if~~ If a hearing is held, the court shall hold the hearing within 14 days after receipt
19 of the request, unless the parties agree to a longer period. After the hearing, the court
20 shall ~~make disposition~~ dispose of the matter in the manner provided in sub. (4) (h).

21 **SECTION 29.** 51.135 of the statutes is created to read:

22 **51.135 Administration of psychotropic medication to minors.** (1) (a) A
23 parent with legal custody or the guardian of a minor under 14 years of age shall
24 provide written, informed consent for the administration of psychotropic medication
25 to the minor as inpatient or outpatient treatment for mental illness.

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(b) A parent with legal custody or the guardian of a minor 14 years of age or older and the minor shall provide written, informed consent for the administration of psychotropic medication to the minor as inpatient or outpatient treatment for mental illness, except that, if the minor refuses to consent to administration of the psychotropic medication, the parent or guardian may provide consent on the minor's behalf. Administration of psychotropic medication as inpatient treatment to a minor under this paragraph who refuses to consent is reviewable under a hearing under s. 51.13 (4) (d). Section 51.14 (3) (a) applies to a minor under this paragraph who refuses to consent to the administration of psychotropic medication as outpatient treatment.

(2) If a minor wishes to provide written, informed consent for the administration of psychotropic medication as inpatient or outpatient treatment of the minor for mental illness, but the minor's parent with legal custody or guardian refuses to consent to administration of the psychotropic medication or cannot be found, or if there is no person with legal custody, the minor or a person acting on the minor's behalf may petition the court assigned to exercise jurisdiction under chs. 48 and 938 in the county of residence of the minor's parent or guardian for approval of the administration. A copy of the petition and a notice of hearing shall be served upon the parent or guardian at his or her last-known address. If, after a hearing, the court determines that the consent of the parent or guardian is being unreasonably withheld, that the parent or guardian cannot be found, or that there is no person with legal custody, and that the administration is appropriate to the minor's needs, the court shall approve the administration of the psychotropic medication without the consent of the parent or guardian.

SECTION 30. 51.14 (title) of the statutes is amended to read:

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SECTION 30

INSERT
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1 ~~51.14 (title) Outpatient mental health treatment of minors.~~

2 SECTION 31. 51.14 (1) of the statutes is amended to read:

3 51.14 (1) DEFINITIONS. In this section, "outpatient mental health treatment"
4 means treatment and social services for mental illness, except psychotropic
5 medications and 24-hour care, treatment, and custody, that is provided by a
6 treatment facility.

7 SECTION 32. 51.14 (1m) of the statutes is created to read:

8 51.14 (1m) CONSENT TO TREATMENT. A parent who has legal custody of a minor
9 ~~under~~
10 ~~14 years of age or the minor's guardian may provide informed consent to~~
11 ~~outpatient treatment for mental illness for the minor. A minor 14 years of age or~~
12 ~~older and a parent who has legal custody of the minor or the minor's guardian may~~
13 ~~provide informed consent to outpatient treatment for mental illness for the minor,~~
14 ~~except that, if the minor refuses to consent, the parent or guardian may provide~~
15 ~~informed consent to the outpatient treatment on the minor's behalf.~~

16 SECTION 33. 51.14 (3) (a) of the statutes is amended to read:

17 51.14 (3) (a) ~~Either a~~ A minor 14 years of age or ~~older or his or her parent or~~
18 ~~guardian may petition the mental health review officer in the county in which the~~
19 ~~minor's parent or guardian has residence for a review of a refusal or inability of either~~
20 ~~the minor or his or her the minor's parent or guardian to provide the informed~~
21 ~~consent for outpatient mental health treatment required under s. 51.61 (6) sub. (1m).~~
22 ~~A petition for review by the mental health officer shall be filed by or on behalf of a~~
23 ~~minor on whose behalf consent was provided under sub. (1m) by the minor's parent~~
24 ~~or guardian despite the minor's refusal.~~

25 SECTION 34. 51.14 (3) (b) 3. of the statutes is amended to read:

AA1-7

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SAI-10INS.
SAI-11INS.
AA1-8INS.
SAI-13INSERT
SAI-14

INS. AA1-9

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1 51.14 (3) (b) 3. The facts substantiating the petitioner's belief that the minor
2 needs, or does not need, outpatient mental health treatment.

3 **SECTION 35.** 51.14 (3) (f) of the statutes is amended to read:

4 51.14 (3) (f) If prior to a hearing under par. (g) ~~either the minor or his or her~~
5 ~~parent or guardian~~ requests and the mental health review officer determines that
6 the best interests of the minor would be served, a petition may be filed for court
7 review under sub. (4) without further review under this subsection.

8 **SECTION 36.** 51.14 (3) (g) of the statutes is amended to read:

9 51.14 (3) (g) Within 21 days after the filing of a petition under this subsection,
10 the mental health review officer shall hold a hearing on the refusal or inability of the
11 ~~minor or the minor's parent or guardian~~ to provide informed consent for outpatient
12 treatment or on the provision of informed consent by the parent or guardian despite
13 the minor's refusal. The mental health review officer shall provide notice of the date,
14 time and place of the hearing to the minor and, if available, the minor's parent or
15 guardian at least 96 hours prior to the hearing.

16 **SECTION 37.** 51.14 (3) (h) (intro.) of the statutes is amended to read:

17 51.14 (3) (h) (intro.) If following the hearing under par. (g) and after taking into
18 consideration the recommendations, if any, of the county department under s. 51.42
19 or 51.437 made under par. (e), the mental health review officer finds all of the
20 following, he or she shall issue a written order that, notwithstanding the written,
21 informed consent requirement of s. 51.61 (6) sub. (1m), the written, informed consent
22 of the minor, ~~if the minor is refusing to provide consent, or the written, informed~~
23 ~~consent of the minor's parent or guardian, if the parent or guardian is refusing or~~
24 unable to provide consent, is not required for outpatient mental health treatment for

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SECTION 37

1 the minor or, if the parent or guardian provided informed consent despite the minor's
2 refusal, the outpatient mental health treatment for the minor is appropriate:

3 SECTION 38. 51.14 (3) (h) 1. of the statutes is amended to read:

4 51.14 (3) (h) 1. The informed consent of the parent or guardian is unreasonably
5 withheld or the refusal of the minor to provide informed consent is unreasonable.

6 SECTION 39. 51.14 (3) (j) of the statutes is amended to read:

7 51.14 (3) (j) The mental health review officer shall notify the minor and the
8 minor's parent or guardian, if available, of the right to judicial review under sub. (4).

9 SECTION 40. 51.14 (4) (a) of the statutes is amended to read:

10 51.14 (4) (a) Within 21 days after the issuance of the order by the mental health
11 review officer under sub. (3) or if the requirements of sub. (3) (f) are satisfied applies,
12 the minor ~~or his or her parent or guardian~~ may petition a court assigned to exercise
13 jurisdiction under chs. 48 and 938 in the county of residence of the minor's parent
14 or guardian for a review of the refusal of ~~either the minor or his or her~~ inability
15 of the minor's parent or guardian to provide the informed consent for outpatient
16 mental health treatment required under ~~s. 51.61 (6) sub. (1m)~~ or for a review of the
17 provision of informed consent by the parent or guardian despite the minor's refusal.

18 SECTION 41. 51.14 (4) (g) (intro.) of the statutes is amended to read:

19 51.14 (4) (g) (intro.) After the hearing under this subsection, the court shall
20 issue a written order stating that, notwithstanding the written, informed consent
21 requirement of s. 51.61 (6) sub. (1m), the written, informed consent of the minor, if
22 the minor refuses to provide consent, ~~or the written, informed consent of the parent~~
23 or guardian, if the parent or guardian refuses or is unable to provide consent, is not
24 required for outpatient mental health treatment for the minor or that, if the parent
25 or guardian provided informed consent despite the minor's refusal, the outpatient

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1 mental health treatment for the minor is appropriate, if the court finds all of the
2 following:

INSERT SAI-16

3 **SECTION 42.** 51.22 (2) of the statutes is amended to read:

4 51.22 (2) Except as provided in s. 51.13 (2), voluntary for admissions that do
5 not involve the department or a county department under s. 51.42 or 51.437 or a
6 contract between a treatment facility and the department or a county department,
7 admissions under ss. 51.10, 51.13, and 51.45 (10) shall be through the county
8 department under s. 51.42 or 51.437 serving the person's county of residence, or
9 through the department if the person to be admitted is a nonresident of this state.
10 Admissions through a county department under s. 51.42 or 51.437 shall be made in
11 accordance with s. 51.42 (3) (as) 1. or 51.437 (4rm) (a). Admissions through the
12 department shall be made in accordance with sub. (3).

AAI-12

13 **SECTION 43.** 51.30 (5) (b) 1. of the statutes is amended to read:

14 51.30 (5) (b) 1. The guardian of an individual who is adjudged incompetent
15 under ch. 880 shall have access to the individual's court and treatment records at all
16 times. The parent, guardian, or person in the place of a parent of a developmentally
17 disabled minor shall have access to the minor's court and treatment records at all
18 times except in the case of a minor aged 14 or older who files a written objection to
19 such access with the custodian of the records. The parent, guardian or person in the
20 place of a parent of other minors shall have the same rights of access as provided to
21 subject individuals under this section.

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SAI 17

22 **SECTION 44.** 51.30 (5) (b) 2. of the statutes is amended to read:

23 51.30 (5) (b) 2. A minor upon reaching the age of who is aged 14 or older and
24 admitted under s. 51.13 (1) (b) or (c) 1. or (7) (a) shall have access to his or her own
25 court and treatment records, as provided in this section. A minor under the age of

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SECTION 44

1 ~~14 All other minors shall have access to court records but only in the presence of~~
2 ~~parent, guardian, counsel, guardian ad litem, or judge and shall have access to~~
3 ~~treatment records as provided in this section but only in the presence of parent,~~
4 ~~guardian, counsel, guardian ad litem, or staff member of the treatment facility.~~

INS.
SAI-18

5 **SECTION 45.** 51.35 (3) (a) of the statutes is amended to read:

6 51.35 (3) (a) A licensed psychologist of a secured correctional facility, a secured
7 child caring institution, or a secured group home, or a licensed physician of the
8 department of corrections, who has reason to believe that any individual confined in
9 the secured correctional facility, secured child caring institution, or secured group
10 home is, in his or her opinion, in need of services for developmental disability,
11 alcoholism, or drug dependency or in need of psychiatric services, and who has
12 obtained ~~voluntary~~ consent to make a transfer for treatment, shall make a report,
13 in writing, to the superintendent of the secured correctional facility, secured child
14 caring institution, or secured group home, stating the nature and basis of the belief
15 and verifying the consent. In the case of a minor age 14 or older who is in need of
16 services for developmental disability or who is in need of psychiatric services, the
17 minor and the minor's parent or guardian shall consent unless the minor is admitted
18 under s. 51.13 (1) (c) 1. or unless the minor refuses to consent, in which case the
19 minor's parent or guardian may consent on behalf of the minor. In the case of a minor
20 age 14 or older who is in need of services for alcoholism or drug dependency or a minor
21 under the age of 14 who is in need of services for developmental disability, alcoholism,
22 or drug dependency or in need of psychiatric services, only the minor's parent or
23 guardian ~~need~~ needs to consent unless the minor is admitted under s. 51.13 (1) (c).
24 The superintendent shall inform, orally and in writing, the minor and the minor's
25 parent or guardian, that transfer is being considered and shall inform them of the

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1 basis for the request and their rights as provided in s. 51.13 (3) (am). If the
2 department of corrections, upon review of a request for transfer, determines that
3 transfer is appropriate, that department shall immediately notify the department of
4 health and family services and, if the department of health and family services
5 consents, the department of corrections may immediately transfer the individual.
6 The department of health and family services shall file a petition under s. 51.13 (4)
7 (a) in the court assigned to exercise jurisdiction under chs. 48 and 938 of the county
8 where the treatment facility is located.

9 **SECTION 46.** 51.35 (3) (b) of the statutes is amended to read:

10 51.35 (3) (b) The court assigned to exercise jurisdiction under chs. 48 and 938
11 shall determine, based on the allegations of the petition and accompanying
12 documents, whether the transfer under par. (a) of the minor to an inpatient facility
13 is appropriate and consistent with the needs of the minor and, if the minor is 14 years
14 of age or older and is being transferred for the purpose of receiving services for
15 developmental disability or psychiatric services, whether consent for the transfer is
16 voluntary on the part of the minor was provided by the minor and his or her parent
17 or guardian or whether the minor was admitted under s. 51.13 (1) (c) 1. If the court
18 is unable to make those determinations based on the petition and accompanying
19 documents, the court may order additional information, including an independent
20 evaluation, to be produced as necessary to make those determinations within 14 days
21 after admission, or the court may hold a hearing within 14 days after admission. If
22 a notation of the minor's unwillingness appears on the face of the petition, if the
23 transfer was made under a consent of the minor's parent or guardian despite the
24 minor's refusal, or if a hearing has been requested by the minor or by the minor's
25 counsel, guardian ad litem, parent, or guardian, the court shall order an independent

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1 evaluation of the minor, hold a hearing, and appoint counsel or a guardian ad litem
2 for the minor as provided in s. 51.13 (4) (d). The minor may receive assistance from
3 the state protection and advocacy agency designated under s. 51.62 (2) (a). At the
4 conclusion of the hearing, the court shall approve or disapprove the request for
5 transfer. If the minor is under the continuing jurisdiction of the court of another
6 county, the court may order the case transferred together with all appropriate
7 records to that court.

8 **SECTION 47.** 51.35 (3) (g) of the statutes is amended to read:

9 51.35 (3) (g) A minor 14 years of age or older who is transferred to a treatment
10 facility under par. (a) for the purpose of receiving services for developmental
11 disability or psychiatric services and the minor's parent or guardian may request in
12 writing a return to the secured correctional facility, secured child caring institution,
13 or secured group home, except that, if the minor refuses to make the request, the
14 parent or guardian may make the request on behalf of the minor. In the case of a
15 minor 14 years of age or older who is transferred to a treatment facility under par.
16 (a) for the purpose of receiving services for alcoholism or drug dependency or a minor
17 under 14 years of age, who is transferred to a treatment facility under par. (a) for the
18 purpose of receiving services for developmental disability, alcoholism, or drug
19 dependency, or psychiatric services, the parent or guardian may make the request.
20 Upon receipt of a request for return from a minor 14 years of age or older, the director
21 shall immediately notify the minor's parent or guardian. The minor, if available. A
22 minor 14 years of age or older who requests and whose parent or guardian requests
23 and a minor who was admitted under s. 51.13 (1) (c) who requests discharge in
24 writing shall be returned to the secured correctional facility, secured child caring
25 institution, or secured group home within 48 hours after submission of the request

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1 unless a ~~petition or~~ statement is filed for emergency detention, or a petition is filed
2 for emergency commitment, involuntary commitment, or protective placement.

3 **SECTION 48.** 51.35 (4) (d) of the statutes is amended to read:

4 51.35 (4) (d) The director of an inpatient facility may, under the requirements
5 of s. 51.10 (5) (c) or 51.13 (7), grant a discharge or may terminate services to any
6 patient ~~voluntarily~~ admitted under s. 51.10 or 51.13 ~~when such patient requests a~~
7 ~~discharge. Such discharge shall conform to the requirements of s. 51.10 (5) (c) or~~
8 ~~51.13 (7).~~

9 **SECTION 49.** 51.45 (10) (am) of the statutes is amended to read:

10 51.45 (10) (am) ~~A~~ Except as provided in s. 51.47, a minor may apply for
11 ~~voluntary~~ treatment directly to an approved public treatment facility, but only for
12 those forms of treatment specified in sub. (7) (b) 5. and 7. Section 51.13 ~~shall govern~~
13 ~~voluntary~~ governs admission of a minor alcoholic to an inpatient treatment facility.

14 **SECTION 50.** 51.45 (11) (a) of the statutes is amended to read:

15 51.45 (11) (a) An intoxicated person may come voluntarily to an approved
16 public treatment facility for emergency treatment. Any law enforcement officer, or
17 designated person upon the request of a law enforcement officer, may assist a person
18 who appears to be intoxicated in a public place and to be in need of help to his or her
19 home, an approved treatment facility or other health facility, if such person consents
20 to the proffered help. Section 51.13 ~~shall govern~~ voluntary governs admission of an
21 intoxicated minor to an inpatient facility under this paragraph.

22 **SECTION 51.** 51.61 (6) of the statutes is renumbered 51.61 (6) (intro.) and
23 amended to read:

24 51.61 (6) (intro.) Subject to the rights of patients provided under this chapter,
25 the department, county departments under s. 51.42 or 51.437, and any agency

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1 providing services under an agreement with the department or those county
2 departments have the right to use customary and usual treatment techniques and
3 procedures in a reasonable and appropriate manner in the treatment of patients who
4 are receiving services under the mental health system, for the purpose of
5 ameliorating the conditions for which the patients were admitted to the system. The
6 written, informed consent of any patient shall first be obtained, unless the person
7 has been found not competent to refuse medication and treatment under s. 51.61 (1)
8 (g) or the person is a minor 14 years of age or older who is receiving services for
9 alcoholism or drug abuse or a minor under 14 years of age who is receiving services
10 for mental illness, developmental disability, alcoholism, or drug abuse. In the case
11 of a minor, the written, informed consent of the parent or guardian is required, except
12 as provided under an order issued under s. 51.13 (1) (e) or 51.14 (3) (h) or (4) (g). If
13 the minor is 14 years of age or older and is receiving services for mental illness or
14 developmental disability, the written, informed consent of the minor and the minor's
15 parent or guardian is required. A refusal of either a minor 14 years of age or older
16 or the minor's parent or guardian to provide written, informed consent for admission
17 to an approved inpatient treatment facility is reviewable under s. 51.13 (1) (e) 1. and
18 a refusal of either a minor 14 years of age or older or the minor's parent or guardian
19 to provide written, informed consent for outpatient mental health treatment is
20 reviewable under s. 51.14. all of the following apply:

21 **SECTION 52.** 51.61 (6) (a) of the statutes is created to read:

22 51.61 (6) (a) If the minor is under 14 years of age, for the receipt of inpatient
23 treatment or outpatient treatment or services for mental illness, developmental
24 disability, alcoholism, or drug abuse, including the administration of psychotropic
25 medication, the written, informed consent of the minor's parent or guardian is

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1 required, except as provided under ss. 51.13 (1) (c) 2., 51.14 (3) (h) and (4), 51.135 (2),
2 and 51.47 (1).

3 **SECTION 53.** 51.61 (6) (b) of the statutes is created to read:

4 **51.61 (6) (b)** If the minor is 14 years of age or older:

5 1. Except as provided in subd. 5., for the receipt of inpatient treatment for
6 developmental disability or mental illness, the minor and a parent with legal custody
7 of the minor or the minor's guardian shall execute the application, except for all of
8 the following:

9 a. A refusal or inability of the minor's parent or guardian to provide written,
10 informed consent for inpatient treatment for mental illness or developmental
11 disability is reviewable under s. 51.13 (1) (c) 1.

12 b. If the minor refuses to execute an application for or consent to a transfer for
13 inpatient treatment for mental illness or developmental disability, the minor's
14 parent or guardian may execute the application or consent on the minor's behalf.
15 Refusal by the minor to execute the application or consent is reviewable under ss.
16 51.13 (3) and (4) and 51.35 (3) (b).

17 2. For the receipt of inpatient treatment for alcoholism or drug abuse, a parent
18 with legal custody of the minor or the minor's guardian shall execute the application,
19 except as provided in s. 51.47 (2) (b), (c), and (d) and except that a refusal or inability
20 of the minor's parent or guardian to provide written, informed consent for inpatient
21 treatment for alcoholism or drug abuse is reviewable under s. 51.13 (1) (c) 1.

22 3. Except as provided in subd. 5., for the receipt of outpatient treatment for
23 mental illness or developmental disability, the minor and a parent with legal custody
24 of the minor or the minor's guardian shall provide written, informed consent, except
25 for all of the following:

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SECTION 53

1 a. A refusal or inability of the minor's parent or guardian to provide written,
2 informed consent is reviewable under s. 51.14 (3) and (4).

3 b. If the minor refuses to provide written, informed consent, the minor's parent
4 or guardian may provide written, informed consent on behalf of the minor. Refusal
5 by the minor to provide written, informed consent is reviewable under s. 51.14 (3) and
6 (4).

7 4. For the receipt of outpatient treatment for alcoholism or drug abuse, s. 51.47
8 applies.

9 5. For the receipt of psychotropic medication as inpatient or outpatient
10 treatment for mental illness, s. 51.135 applies.

INSERT AAI-13

11 **SECTION 54. Initial applicability.**

12 (1) INPATIENT TREATMENT. The treatment of sections 51.13 (1) (title), (a), (b), (c)
13 3., (d), (e), and (f), (2), (3) (a), (b), and (c), (4) (a) (intro.), (c), (d), (g) (intro.), (h) (intro.),
14 (6) (c) and (7) (a), 51.22 (2) and 51.45 (11) (a) of the statutes, the renumbering and
15 amendment of sections 51.13 (4) (g) 1. and (6) (a) and 51.61 (6) of the statutes, and
16 the creation of sections 51.13 (4) (g) 1. a. to c. and 4. and 51.61 (6) (b) (intro.), 1., 2.,
17 and 5. of the statutes first apply to inpatient treatment applied for or received in an
18 approved inpatient treatment facility on the effective date of this subsection,
19 regardless of whether admission to the inpatient facility occurred or was sought prior
20 to the effective date of this subsection.

INS.
AAI-14

21 (2) CONSENT PROVIDED FOR OUTPATIENT TREATMENT. The treatment of sections
22 51.14 (title), (1), (1m), (3) (a), (b) 3., (f), (g), (h) (intro.) and 1., and (j), and (4) (a) and
23 (g) (intro.), and 51.45 (10) (am) of the statutes, the renumbering and amendment of
24 section 51.61 (6) of the statutes, and the creation of section 51.61 (6) (b) (intro.), 3.,
25 4., and 5. of the statutes first apply to outpatient treatment consented to or received

INS
AAI-15

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1 on the effective date of this subsection, regardless of whether consent for the
2 treatment occurred or was sought prior to the effective date of this subsection.

3 (3) TRANSFERS OF TREATMENT. The treatment of sections 51.35 (3) (a), (b), and
4 (g) and (4) (d) of the statutes first applies to transfers of treatment consented to on
5 the effective date of this subsection, regardless of whether consent for the transfer
6 was sought prior to the effective date of this subsection.

7 (4) DISCHARGE FROM INPATIENT FACILITIES. The treatment of sections 51.13 (7)
8 (title) and (c) and 51.35 (4) (d) of the statutes, the renumbering and amendment of
9 section 51.13 (7) (b) of the statutes, and the creation of section 51.13 (7) (b) 3. of the
10 statutes first apply to discharges from inpatient facilities made on the effective date
11 of this subsection, regardless of whether the discharge was sought prior to the
12 effective date of this subsection.

13 (5) PSYCHOTROPIC MEDICATION. The treatment of sections 51.01 (13r) and 51.135
14 of the statutes, the renumbering and amendment of section 51.61 (6) of the statutes,
15 and the creation of section 51.61 (6) (a) and (b) (intro.), 1. (intro.), 3. (intro.), and 5.
16 of the statutes first apply to the administration of psychotropic medication on the
17 effective date of this subsection.

AA1-16

SECTION 55. Effective date.

18 (1) This act takes effect on the first day of the 2nd month beginning after
19 publication.
20

21 (END)

**SENATE AMENDMENT 1,
TO 2005 SENATE BILL 226**

September 30, 2005 - Offered by Senator ROESSLER.

1 At the locations indicated, amend the bill as follows:

2 ✓ 1. Page 8, line 20: delete "assistance from" and substitute "be informed about
3 how to contact".

SAI-1

4 ✓ 2. Page 9, line 23: after "admitted" insert "or his or her designee".

SAI-2

5 ✓ 3. Page 9, line 24: after "center" insert "or his or her designee".

SAI-3

6 ✓ 4. Page 10, line 24: delete "14 days" and substitute "14 7 days, exclusive of
7 weekends and legal holidays".

SAI-4

8 ✓ 5. Page 10, line 25: delete "14 days" and substitute "14 7 days, exclusive of
9 weekends and legal holidays".

SAI-5

10 ✓ 6. Page 11, line 8: delete "14 days" and substitute "14 7 days, exclusive of
11 weekends and legal holidays".

SAI-6

INS SAI-7

INS
SAI-8

✓ 7. Page 11, line 12: delete “may receive assistance from” and substitute “shall be informed about how to contact”.

INSERT SAI SAI-1

✓ 8. Page 13, line 14: after “(d).” insert “If a review is requested, the treatment director of the facility to which the minor is admitted or his or her designee or, in the case of a center for the developmentally disabled, the director of the center or his or her designee shall file a verified petition for review of the admission on behalf of the minor.”.

INSERT SAI SAI-2

✓ 9. Page 17, line 8: after “(d).” insert “If a review is requested, the treatment director of the facility to which the minor is admitted or his or her designee or, in the case of a center for the developmentally disabled, the director of the center or his or her designee shall file a verified petition for review of the administration of psychotropic medication as inpatient treatment on behalf of the minor.”.

INS
SAI-9

✓ 10. Page 18, line 17: delete “older or” and substitute “older or”.

INS SAI-10

✓ 11. Page 18, line 18: after “guardian” insert “a person acting on behalf of the minor”.

INS SAI-11

12. Page 18, line 22: delete that line.

INS SAI-13

✓ 13. Page 18, line 23: before “minor” insert “For a”.

✓ 14. Page 18, line 24: after “refusal” insert “, the treatment director of the outpatient facility shall file a petition for review of the informed consent on behalf of the minor”.

INS
SAI-14

✓ 15. Page 20, line 12: delete “or his or her parent or guardian” and substitute “or his or her parent or guardian a person acting on behalf of the minor”.

INS
SAI-15

✓ 16. Page 21, line 2: after that line insert:

SAI-16

1 "SECTION 41m. 51.14 (7) of the statutes is created to read:

2 51.14 (7) LISTING OF MENTAL HEALTH REVIEW OFFICERS. The department shall
3 compile a list that specifies the mental health review officers in each county, post the
4 list on the department's website, and update the list as necessary."

5 ✓ 17. Page 21, line 21: after "section" insert "unless the treatment director of
6 the inpatient facility or outpatient facility determines that there is evidence that the
7 minor has suffered abuse or neglect or that the treatment record indicates evidence
8 of the potential for the minor to suffer abuse or neglect".

SAI-17

9 ✓ 18. Page 21, line 22: delete the material beginning with that line and ending
10 with page 22, line 4, and substitute:

SAI-18

11 "SECTION 44m. 51.30 (5) (b) 2. of the statutes is amended to read:

12 51.30 (5) (b) 2. A minor ~~upon reaching the age of~~ who is aged 14 or older shall
13 have access to his or her own court and treatment records, as provided in this section.
14 A minor under the age of 14 shall have access to court records but only in the presence
15 of a parent, guardian, counsel, guardian ad litem or judge and shall have access to
16 treatment records as provided in this section but only in the presence of a parent,
17 guardian, counsel, guardian ad litem or staff member of the treatment facility."

18 ✓ 19. Page 24, line 2: delete "may receive assistance from" and substitute "shall
19 be informed about how to contact".

SAI-19

20 (END)

**SENATE AMENDMENT 1,
TO SENATE AMENDMENT 1,
TO 2005 SENATE BILL 226**

October 18, 2005 – Offered by Senator ROESSLER.

1 At the locations indicated, amend the amendment as follows:

2 1. Page 2, line 3: after “requested” insert “or required”.

3 2. Page 2, line 8: after “requested” insert “or required”.

4 (END)

SAI-SAI-1

SAI-SAI-2

*This amendment is
made ineffective
by AAI*

**ASSEMBLY AMENDMENT 1,
TO 2005 SENATE BILL 226**

February 27, 2006 – Offered by Representative UNDERHEIM.

1 At the locations indicated, amend the bill as follows:

2 ✓ 1. Page 2, line 1: delete the material beginning with “disability,” and ending
3 with “records” on line 2 and substitute “disability.” AA1-1

4 ✓ 2. Page 5, line 1: delete the material beginning with that line and ending with
5 page 6, line 2. AA1-3

6 ✓ 3. Page 11, line 4: delete lines 4 and 5 and substitute “refusal, or if a hearing
7 has”. AA1-4

8 ✓ 4. Page 11, line 9: delete that line and substitute “is sooner, and shall”.

9 ✓ 5. Page 16, line 21: delete the material beginning with that line and ending
10 with page 17, line 24.

11 ✓ 6. Page 18, line 1: delete that line and substitute: AA1-6

12 “51.14 (title) **Outpatient Review of outpatient mental health treatment**
13 **of minors aged 14 or older.**”

✓ 7. Page 18, line 7: delete lines 7 to 15.

✓ 8. Page 18, line 21: delete "~~s. 51.61 (6) sub. (1m)~~" and substitute "s. 51.61 (6)".

✓ 9. Page 18, line 23: delete "was provided under sub. (1m)" and substitute "for outpatient treatment was provided".

✓ 10. Page 19, line 21: delete "~~s. 51.61 (6) sub. (1m)~~" and substitute "s. 51.61 (6)".

✓ 11. Page 20, line 16: on lines 16 and 21, delete "~~s. 51.61 (6) sub. (1m)~~" and substitute "s. 51.61 (6)".

✓ 12. Page 21, line 13: delete lines 13 to 21, as affected by senate amendment 1.

✓ 13. Page 25, line 22: delete the material beginning with that line and ending with page 28, line 10, and substitute:

"SECTION 51m. 51.61 (6) of the statutes is amended to read:

51.61 (6) Subject to the rights of patients provided under this chapter, the department, county departments under s. 51.42 or 51.437, and any agency providing services under an agreement with the department or those county departments have the right to use customary and usual treatment techniques and procedures in a reasonable and appropriate manner in the treatment of patients who are receiving services under the mental health system, for the purpose of ameliorating the conditions for which the patients were admitted to the system. The written, informed consent of any patient shall first be obtained, unless the person has been found not competent to refuse medication and treatment under s. 51.61 (1) (g) or the person is a minor 14 years of age or older who is receiving services for alcoholism or drug abuse or a minor under 14 years of age who is receiving services for mental illness, developmental disability, alcoholism, or drug abuse. In the case of such a

AA1-13

1 minor, the written, informed consent of the parent or guardian is required, except as
2 provided under an order issued under s. 51.13 (1) (c) or 51.14 (3) (h) or (4) (g), or as
3 provided in s. 51.47. If the minor is 14 years of age or older and is receiving services
4 for mental illness or developmental disability, the written, informed consent of the
5 minor and the minor's parent or guardian is required. ~~A, except that a refusal of~~
6 either such a minor 14 years of age or older or the minor's parent or guardian to
7 provide written, informed consent for admission or transfer to an approved inpatient
8 treatment facility is reviewable under s. 51.13 (1) (c) 1., (3), or (4), or 51.35 (3) (b), and
9 a refusal of either a minor 14 years of age or older or the minor's parent or guardian
10 to provide written, informed consent for outpatient mental health treatment is
11 reviewable under s. 51.14.”.

AA1-14

✓ 12 **14.** Page 28, line 14: delete lines 14 to 17 and substitute “(6) (c) and (7) (a),
13 51.22 (2), 51.45 (11) (a), and 51.61 (6) of the statutes, the renumbering and
14 amendment of section 51.13 (4) (g) 1. and (6) (a) of the statutes, and the creation of
15 sections 51.13 (4) (g) 1. a. to c. and 4. of the statutes first apply to inpatient treatment
16 applied for or received in an”.

AA1-15

✓ 17 **15.** Page 28, line 22: delete lines 22 to 25 and substitute “51.14 (title), (1), (3)
18 (a), (b) 3., (f), (g), (h) (intro.) and 1., and (j), and (4) (a) and (g) (intro.), 51.45 (10) (am),
19 and 51.61 (6) of the statutes first apply to outpatient treatment consented to or
20 received”.

21 **16.** Page 29, line 13: delete lines 13 to 17.

22 (END)

1179/1
DAKCCC
to
2005 SB 226

In enrolling, the following correction was made:

Item 9 of ~~senate amendment 1~~ and item 2
of ~~senate amendment 1~~ to ~~senate amendment 1~~
were not given effect because item 5
of ~~assembly amendment 1~~ deleted that material.

CJS



State of Wisconsin
2005-2006 LEGISLATURE

CORRECTIONS IN:

2005 SENATE BILL 226

Prepared by the Legislative Reference Bureau
(May 9, 2006)

In enrolling, the following correction was made:

Item 9 of senate amendment 1 and item 2 of senate amendment 1 to senate amendment 1 were not given effect because item 5 of assembly amendment 1 deleted that material.

(END)